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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rosario Jose SIGALA-Martinez,

Defendant

Magistrate Docket No.

'08 MJ 1838


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **June 11, 2008** within the Southern District of California, defendant, **Rosario Jose SIGALA-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF **JUNE**
2008.



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE



PROBABLE CAUSE STATEMENT

On June 11, 2008, at approximately 2:15 p.m. Senior Patrol Agent H. Torres observed an individual walking northbound in the southbound lanes near the Tecate Port of Entry in Tecate, California.. The individual, later identified as the defendant, **Jose Rosario SIGALA-Martinez** entered the T.C. Worthy grocery store. The store is located approximately 25 yards north of the United States/Mexico International Border and approximately 20 yards west of the Tecate Port of Entry in Tecate, California.

Agent Torres entered the store to look for the defendant. The defendant was standing in the check-out lane. Agent Torres approached the defendant and asked him to step outside. Once outside, Agent Torres identified himself as a Border Patrol Agent, and conducted an immigration inspection. The defendant admitted to being a citizen and national of Mexico without any documents that would allow him to legally enter or remain in the United States. Agent Torres arrested the defendant and transported him to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 19, 2007 via San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without proper documentation. The defendant stated his intended destination was Palm Springs, California.